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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L.  
MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,  
*et.al.*

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:  
22CV021840]

**STIPULATION OF DISMISSAL WITH  
PREJUDICE AS TO DEFENDANT SYD  
CARPENTER, MARINE  
CONTRACTOR, INC.; ORDER**

Courtroom: 02, 4<sup>th</sup> Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: August 26, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section  
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and  
4 Defendant Syd Carpenter, Marine Contractor, Inc., only, (“Defendant”) hereby stipulates as  
5 follows:

6 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss  
7 of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda  
8 Case No. 22CV021840.

9 2. On December 21, 2022, the above action was removed to the United States District  
10 Court, Northern District of California, Case No. 4:22-09058.

11 4. On March 22, 2024, Plaintiffs and Defendant reached an agreement on all allegations,  
12 if any, related to exposure to asbestos post December 31, 1979 as to Defendant Syd Carpenter,  
13 Marine Contractor, Inc., only.

14 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the  
15 following:

16 This Court should dismiss with prejudice all allegations, if any, related to exposure to  
17 asbestos post December 31, 1979 as to Defendant Syd Carpenter, Marine Contractor, Inc., only.

18 DATED: March 25, 2024

Maune Raichle Hartley French & Mudd LLC

19 By: 

20 Rabiah N. Oral

21 Attorney for Plaintiffs

22 DATED: March 25, 2024

23 By: /s/ Arpi Galfayan

24 Arpi Galfayan, Esq.

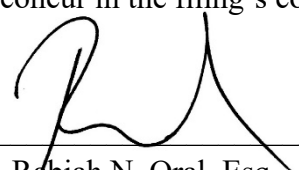
25 Attorney for Intervenor, Hartford Accident and  
26 Indemnity Company, Hartford Casualty  
27 Insurance Company, Zurich American  
Insurance Company, Argonaut Insurance  
Company, and Fireman’s Fund Insurance  
Company, insurers of Defendant Syd Carpenter,  
Marine Contractor, Inc., a suspended California  
Corporation

**LOCAL RULE 5-1(i)(3) SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS**

In accordance with L.R5-1(i)(3), I, Rabiah N. Oral, attest that all signatories identified above, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: March 25, 2024

By: \_\_\_\_\_

  
Rabiah N. Oral, Esq.  
Attorney for Plaintiffs

**ORDER**

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED that SYD CARPENTER, MARINE CONTRACTOR, INC., is dismissed with prejudice from all allegations, if any, related to exposure to asbestos post December 31, 1979.

IT IS SO ORDER.

DATED: 3/26/2024



Hon. Haywood S. Gilliam, Jr.

UNITED STATES DISTRICT COURT JUDGE